

Battle Creek City Planning Commission

Staff report for the December 15, 2010 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

Subject: Petition S-08-10, a Special Use Permit request for 34 Latta Street,
Parcel #4850-00-040-0

Summary

A petition from Mr. & Mrs. Keith & Heidi Fields, 34 Latta St., Battle Creek, MI, 49017, requesting a Licensed Group Day Care Home to be operated in an "R-1C Single Family Residential" zone, as provided for in Chapter 1290, Section 1290.01(b)(6) for property located at 34 Latta St., Parcel #4850-00-040-0

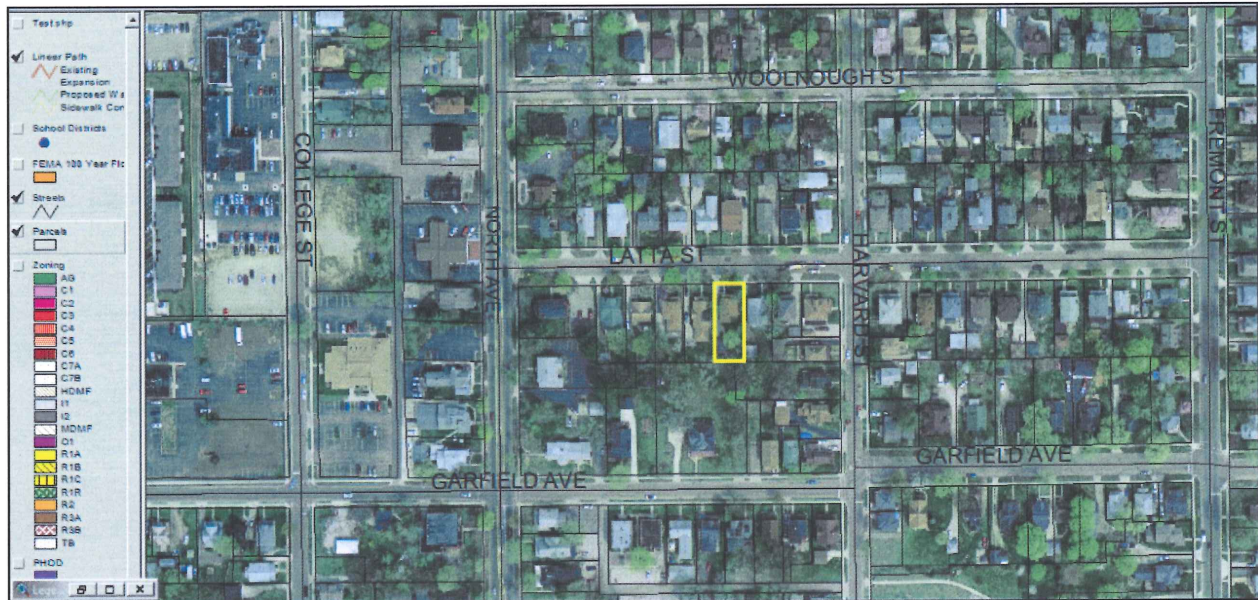
Background/Property Information

The subject site is located on the south side of Latta Street, mid-block between North Avenue and Harvard Street. The parcel is .15 acre in size with 50' of frontage, which is consistent with the size of parcels in the neighborhood. City assessing records indicate the structure was constructed in 1920's. The property is zoned R-1C Single Family Residential.



Surrounding Land Uses / Zoning

The neighborhood is a dense residential neighborhood with maintained single family homes built in the 1920's. The residential neighborhood to the north is also zoned R-1C Single Family Residential and property to the south are zoned R-1A Single Family Residential. The North Avenue corridor and west is zoned O-1 Office District.



South side of Latta Street, east of North Avenue.



Intersection of Latta and Harvard Streets, facing west.

Proposed Scope of Project

The petitioners, property owners Mr. Keith and Mrs. Heidi Fields, are seeking the special use permit to allow for a Group Day Care Home at this property.

The State of Michigan Department of Human Services (DHS) administers the licensing program that is required for all day care facilities. A Group Day Care Home is defined by the State as a private home in which care is provided to more than 6 but not more than 12 minor children for periods of less than 24 hours a day unattended by a parent or legal guardian. Structural changes are typically not required for these uses, but the State does regulate the certain code requirements such as heating, electrical, and smoke detectors. The State further regulates the actual operation of the day care including staffing, meals, daily activities, paperwork, etc. The complete set of State regulations can be found on the DHS website.

The petitioners live at the house, which is a State requirement for this type of day care. The day care operates only on the main floor of the structure, and is limited to the living room, dining room, and one bedroom. There is a playground in the backyard that is used by those attending daycare.

The petitioners have been operating a Group Day Care Home at this property for the past six years, and have stated they were unaware that a special use permit was required from the City. Property files demonstrate that there have been no complaints concerning the use of the property as a day care, nor for any other code or housing violations.

Applicable Ordinance Provisions

Group Day Care Homes, those providing care for seven to twelve unrelated minor children, are addressed in the City of Battle Creek Zoning Ordinance, Chapter 1290 Special Land Uses, specifically 1290.01(b)(6) which allows for "*Public, parochial or private school housing facilities; convalescent or nursing homes; homes for the aged; nursery schools or day care centers;*". Those providing care for six children or less are allowed as a home occupation; and this section of the ordinance (1292.03(b)) also states that a special use permit is required for those providing care for more than six unrelated children.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shoppers Guide November 25, 2010 and notices of the public hearing were also sent by regular mail on November 22, 2010 to sixty-nine owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has received letters of support from three individuals; two are from parents whose children attend the daycare, and one is from the property owner directly adjacent to the petitioner's property.

Neighborhood Outreach

The petitioner attended the Neighborhood Planning Council #4 meeting on Wednesday, November 17, 2010. After discussion of the request, the NPC postponed a decision. Their next meeting is Wednesday, December 15, 2010, the night of the Planning Commission meeting.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allows the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code.

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

- (a) The use of this structure as a Group Day Care Home will be harmonious with and in accordance with the general objectives of the City of Battle Creek Master Plan. One goal of the plan is to have a work force large enough to help attract new economic development (pg. 4-2), and an important factor in this goal is the availability of adequate and safe day care for children of working

families. To that end, the master plan calls for the City to ensure zoning ordinance regulations will ensure adequate opportunities for safe and convenient day care and other support services near residential and high job-producing areas (pg. 4-3).

(b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as the primary use of the property is still residential and there are no exterior signs of the day care.

(c) The use will not be hazardous or disturbing to existing or future neighboring uses as the proposed use is compatible with surrounding zoning and residential land uses. Furthermore, the lack of complaints during the past six years of operation seems to indicate that the use has not been disruptive to the neighborhood.

(d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a valuable service is provided to the community, in close proximity to employment centers.

(e) The use will be adequately served by essential public facilities and services in that public utilities already exist and no additional needs are required for this use.

(f) There will be no City expenses associated with the maintenance and improvements to the property, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors. Any noise associated with the use will be the result of typical activities found in a residential neighborhood.

(h) The use will be consistent with the intent and purpose of this Zoning Code in that the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified ordinances, including noise, noxious vegetation, and property maintenance. Additionally, it will be required to be in compliance with all State licensing/certificate regulations concerning the proposed use.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-08-10 that would allow an Group Day Care Home, on Parcel #4850-00-040-0 with the following conditions:

Project Specific Conditions:

1. All necessary approvals and any required permits shall be obtained, and maintained if applicable, from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to Certificate of Occupancy.

Administrative Conditions:

2. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.
3. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project for specific reasons, with agreement from the applicant;
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report.

1. Special Use Permit petition Form and Supplemental Information (Petition #S-08-10)

PETITION FOR A SPECIAL USE PERMIT



City of Battle Creek, Michigan Department of Planning and Community Development

Petition No. S-08-10

Please read instruction on reverse before completing this form.
If additional space is required, attach a separate sheet.

The City Commission of the City of Battle Creek, Michigan

Honorable Mayor and City Commissioners:

I / We, the undersigned owner(s) of the property described below and indicated on the attached site plan, do hereby petition for a Special Use Permit under the provisions of Chapter 1290, "Special Uses and Land Development", of the Planning and Zoning Code of the City of Battle Creek, to permit this property to be used exclusively as indicated below.

Legal Description of Property: Have been state licence for 6+ years
Located at 34 Latta St. Parcel # 4850-00-040-0

Present Use of Property:

Residential and Daycare "Zoned R1C"

Proposed Use of Property:

To continue my service of my daycare (SEE Attachments)

Reasons why petitioner feels that a Special Use Permit should be granted:

Heidi's Daycare and we were not aware of needing
a Special Use Permit (12 children)

Present Zoning Classification: R1-C

District.

Property Owner(s) _____ or Agent _____ (Check one)

Keith Fields + Heidi Fields

Name

34 Latta

Name

Address

34 Latta St.

Address

Telephone

269-962-0875

Fax

Telephone

Fax

Signature

Keith Fields

11/17/10

Signature

Heidi Fields

11/17/10

FOR OFFICE USE ONLY

Date Petition Received: 11-17-10

Petition Fee Received: 100.00

Received By: Lema

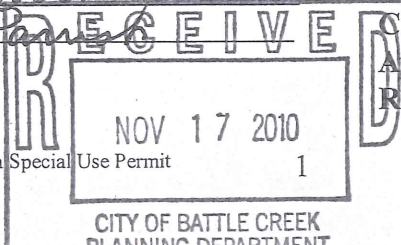
Planning Commission Recommendation:

Approve _____ Deny _____ Date _____

City Commission Action:

Approve _____ Deny _____ Date _____

Resolution No. _____



November 17, 2010

To The City Commission of the City of Battle Creek:

On my behalf, Keith L. Fields, give my wife, Heidi A. Fields, permission to go in front of the City Commission of Battle Creek in regards to the Special Use Permit she needs to have our house in compliance.

Thank you,

 11/17/10
Mr. Keith L. Fields

Heidi's Daycare
34 Latta Street
Battle Creek, MI 49017
269-962-0875

November 17, 2010

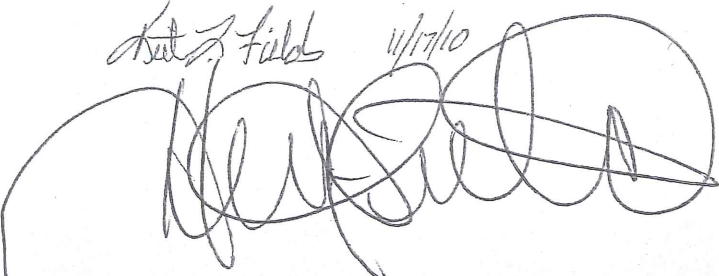
To The City Commission of the City of Battle Creek, Michigan,

It was brought to our attention, Mr. and Mrs. Keith L. Fields, on November 10, 2010, per letter mailed to our home, that my Daycare, Heidi's Daycare, needs a Special Use Permit to bring our property into compliance. I am asking for the permit to ensure my business and to help the community in my area with my services. Attached is the structure of my facility, Heidi's Daycare, and where the daycare is used in our household and also attached is a copy of my state license. There are two locations where the parents' park while dropping off/picking up children and that is in our driveway or in front of our house. They are not parked there for more than 5 minutes. I bring into this neighborhood quality daycare and it gives the neighbors' children and other children a chance to play together in this neighborhood and communicate with. I have been trying to help this community, and my children, for over six years and enjoy it, and I love to help the families that I take care of and the neighborhood I live in.

We haven't received any complaints from any of my immediate neighbors that we, Mr. and Mrs. Keith L. Fields, are aware of. We would appreciate you granting us this permit, so I, Heidi Fields, can continue my services and continue to help my community. Thank you very much.

Sincerely,

Mr. and Mrs. Keith L. Fields

Keith L. Fields 11/17/10

11/17/10

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
Bureau of Children and Adult Licensing
P.O. Box 30650, Lansing, MI 48909-8150

License for the Care of Children

Facility Name:
Heidi's Daycare
34 Latta Street
Battle Creek, MI 49017

Licensee:
Fields, Heidi
34 Latta St.
Battle Creek, MI 49017

LICENSE NUMBER DG130277296	CAPACITY 12	STATUS REGULAR
EFFECTIVE DATE 03/01/2010	EXPIRATION DATE 02/29/2012	

Issued in accordance with Act 116, Public Acts of 1973, as amended,
being the Child Care Organizations Act.



This document is valid only at the location shown. It is not transferrable. It remains the property of the Michigan Department of Human Services.

A substantial violation of provisions of the statute under which this document is issued, or any of the rules and regulations adopted under the statute will be cause for revocation.

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

BCAL-4000 (Rev. 09/09)

POST THIS DOCUMENT IN A CONSPICUOUS PLACE

Fenced in backyard

Exit + to Shelter

Emergency exit
To Basement

Kitchen

TABLE

BATHROOM

Ages 5 and up
Play Area

Main Play Area

TABLE

Rest Time

Rest Time

Main Entrance

Emergency exit

Parking 5 min

Fire Route
Tornado

Driveway/Parking (5 min)

Back



KELLOGG
COMMUNITY COLLEGE

450 North Avenue, Battle Creek, MI 49017-3397 PHONE 269 965 3931 WEB www.kellogg.edu

RE: Special Use Permit #S-8-10
(Licensed Child Daycare at 34 Latta Street)

November 29, 2010

To whom it may concern:

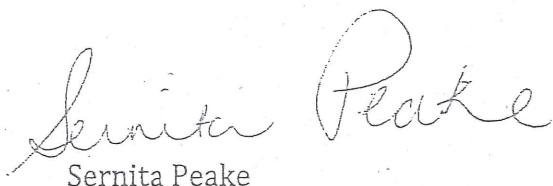
Heidi Fields has been watching my children for 4 years now and I wouldn't have it any other way. Where Heidi Daycare is located it is very convenient for my children and me. I work at Kellogg Community College and my child attends Fremont Elementary school with her children as well.

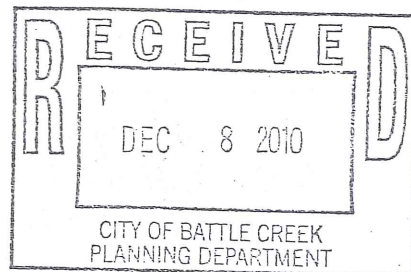
Heidi has been nothing but excellent help to me being a single parent. Her rates are reasonable and my children love her like a mom. I feel comfortable with my children attending a small group daycare home because I don't have much family here in the Battle Creek area.

Jasmyn talks about Heidi everyday and when can she go back to Heidi. JaVaughn plays very well with all the children and I don't have any problems. The neighborhood is awesome not much to worry about. If Heidi was to close down for any reason then I will be out of luck.

I have been working for KCC for 6 years now and I don't need anything getting in the way of that. Finding proper childcare can be such a pain and how the world is now you can't trust to many people. I refer many of KCC students to Heidi because of the area and the attention they child will get at all times. Not to mention that the rates you really can't beat that and it's not a lot of children. I give major kudos to Heidi Fields just for having patience to deal with small children EVERY SINGLE DAY!!

If you need me to go into more detail I don't mind at all. I can be reach at 269-924-8757 or 269-965-3931 ext 2556. Thanks for reading my letter this is a major issue for me.


Sernita Peake



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RE: Special Use Permit #S-8-10
(Licensed Child Daycare at 34 Latta Street)

Fremont Elementary
115 E. Emmett St.
Battle Creek, MI
49015

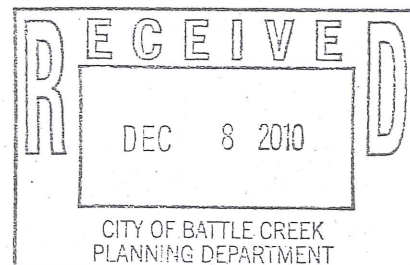
To whom it may concern:

I am a teacher at Fremont Elementary. Heidi Fields has been a parent at Fremont for six years. Her two children and her childcare children are always ready and prepared for school. Heidi Fields has always demonstrated support for the school by helping donate items or send in snacks anything we would need or ask. Also, she would communicate with her childcare students for us if the school needed her to deliver a message. I always feel like I can ask her for anything I need.

Sincerely,

Kerry L. Long
Kerry Long

Fremont Elementary
Kindergarten Teacher



RE: Special Use Permit #S-8-10
(Licensed Child Daycare at 34 Latta Street)

11-18-2010

I am Christal Stoyke, I live at 38 Latta St. Battle Creek, Michigan 49017. I moved to this address as of June 2010, I came from Alpena, Michigan on the other side of the state. When my family and I were checking out this area, is when I meet Mrs. Heidi Fields next door to the house that my family and I were interested in. My fiancé and I were looking for a good area to live with a good school system for our 9 year old daughter. Heidi Field was very friendly and helpful, then to find out that Mrs. Field's had a Daycare, which was perfect my daughter is an only child and moving to the west side of Michigan was a big change for her. Mrs. Fields made both me and my fiancé feel comfortable to move to the home of our choice. I feel that Mrs. Fields does a great job caring for the children at her daycare, my daughter loves getting up in the morning to have children to play with and Mrs. Field invites my daughter over to play with the children. Fremont Elementary school is approx. 4 mins. From my house, every morning the same time everyday Heidi loads all her children and my daughter Gwyn safely into her van and drives her children, daycare children, plus my daughter to school. Ms. Heidi offered to do this as we got to know each other as neighbors. I have never had confrontations or have never seen any confrontations with Heidi or her daycare. I grew up in a daycare my whole life my mother ran a daycare and there was 12+ children in my house growing up 24/7. I feel with Heidi having this daycare is both good for her and her family and the rest of the people out there that also need to work to make a living, they also need someone to watch their children.

Christal Stoyke,
269-830-8826

